

Hazardous Waste Enforcement: U.S. Environmental Protection Agency and El Dorado, Kansas, Petroleum Refinery Enter into Consent Agreement



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04/03/2023

The United States Environmental Protection Agency (“EPA”) and HF Sinclair El Dorado Refining LLC (“Sinclair”) entered into a March 6th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the Resource Conservation and Recovery Act (“RCRA”) hazardous waste regulations. See Docket No. RCRA-07-2023-0051.

The CAFO provides that Sinclair owns and operates a facility (“Facility”) in El Dorado, Kansas, described as a:

. . . manufacturer of refined petroleum products (motor fuels, heating oils, asphalt blending materials, liquid petroleum gases, etc.).

The Facility’s crude oil capacity is stated to be 135,000 barrels per day and has 297 above ground storage tanks on-site ranging from approximately 12,000 to 200,000 barrels.

The Facility notified EPA pursuant to Section 3010 on March 1, 2022, as a Large Quantity Generator of hazardous waste.

EPA inspectors are stated to have conducted a RCRA Compliance Evaluation Inspection (“CEI”) on May 10-17, 2022, of the hazardous waste management practices.

The Facility is stated to operate as a large quantity generator of hazardous waste, a small quantity handler of universal waste, and a used oil generator at the time of the inspection.

The following wastes were identified at the time of the inspection as present at the Facility and are stated to constitute solid and hazardous waste:

1. Petroleum refinery primary oil/water/solids separation sludge, carrying the hazardous waste code F037 and stored in roll-off containers, vacuum rolloff containers, and 55-gallon containers at the Waste Pad, Vacuum Truck Unloading Facility (VTUF) and Wastewater Treatment Plant (WWTP).
2. Tank decommissioned waste, carrying the hazardous waste code D018 and stored in a 25-cubic yard vacuum roll-off container at the Waste Pad.
3. Spent paint and solvents, carrying the hazardous waste codes D001, F003 and F005 and stored in a 55-gallon container at the Contractor Painting Enclave.

4. Spent unpunctured aerosol cans, carrying the hazardous waste codes D001, D035, D039 and D040 and stored in a 55-gallon container at the Lab Supply Building.
5. Aerosol can puncturing waste, carrying the hazardous waste codes D001, D035, D039 and D040 and stored in a 55-gallon container at the Lab Supply Building.

The CAFO alleges as violations:

- Count 1 - Operating as a Treatment, Storage or Disposal Facility Without a RCRA Permit or RCRA Interim Status
- Storage of hazardous waste for more than 90 days
- Failure to label hazardous waste accumulation containers
- Failure to keep a hazardous waste accumulation container closed
- Failure to keep hazardous waste satellite accumulation containers closed
- Failure to label a satellite accumulation container
- Failure to minimize hazardous waste air emissions

A civil penalty of \$31,379 is assessed.

A copy of the CAFO can be downloaded [here](#).